

## **REMARKS**

### **1. Introduction**

In the Office Action mailed October 17, 2005, the Examiner rejected claims 1, 3-6, 18, 19, and 21-24 under 35 U.S.C. § 102(b) as being anticipated by West, U.S. Patent No. 5,574,979 ("West"). The Examiner rejected claims 18, 20, and 21 under 35 U.S.C. § 102(b) as being anticipated by Saints et al., U.S. Patent No. 6,097,972 ("Saints"). The Examiner rejected claims 1, 3, 6, 18, 21, and 24 under 35 U.S.C. § 102(e) as being anticipated by Li et al., U.S. Pub. No. 2002/0163879 ("Li"). The Examiner rejected claims 1-6, 18, and 20-23 under 35 U.S.C. § 102(e) as being anticipated by Lundby, U.S. Pub. No. 2002/0111183 ("Lundby").

The Examiner allowed claims 9-17. In addition, the Examiner indicated that claims 7, 8, 25, and 26 contain allowable subject matter but objected to the claims as being dependent upon rejected base claims.

In this Response, Applicant has amended claims 1, 6, and 18, and Applicant has canceled claim 25. Thus, claims 1-24 and 26 are currently pending.

For the reasons set forth below, Applicant requests reconsideration and allowance of the claims as amended.

### **2. Response to Claim Rejections**

#### **a. Claims 1-8**

Of these claims, claim 1 is independent. The Examiner rejected claim 1 under § 102 as being anticipated by each of West, Li, and Lundby. In response, Applicant has amended claim 1 and submits that the amended claim 1 is clearly allowable over these references, as set forth below.

Claim 1 has been amended to recite, *inter alia*, “selecting a **vocoder** data rate for signals transmitted from a first entity to at least one second entity” and “causing the signals from the first entity to the at least one second entity to be transmitted at the **vocoder** data rate.” Support for this amendment may be found at various places in Applicant’s specification, for example, at lines 7-23 on page 15. The Examiner has alleged that West, Li, and Lundby each disclose “selecting a data rate for signals transmitted from the first entity to at least one second entity” and “causing the signals from the first entity to the at least one second entity to be transmitted at the data rate.” However, Applicant submits that these references do not disclose that the data rates are **vocoder** data rates. Indeed, the Examiner has indicated that claims 7 and 8, which recite entities that have at least one vocoder, contain allowable subject matter.

Accordingly, Applicant submits that claim 1, as amended, is allowable over West, Li, and Lundby for at least the foregoing reasons. Applicant further submits that claims 2-8 are allowable for at least the reason that the claims are dependent on an allowable claim.

**b. Claims 18-24 and 26**

Of these claims, claim 18 is independent. The Examiner rejected claim 18 under § 102 as being anticipated by each of West, Li, Lundby, and Saints. In response, Applicant has amended claim 18 to recite that the claimed base station comprises “a vocoder,” and Applicant has canceled claim 25, which recited “[t]he base station of claim 18, wherein the base station further comprises a vocoder.” Because the Examiner has already found that claim 25 contains allowable subject matter, Applicant submits that claim 18, which has been amended to incorporate the additional limitation recited in claim 25, also contains allowable subject matter.

Accordingly, Applicant submits that claim 18, as amended, is allowable over West, Li, Lundby, and Saints for at least the foregoing reasons. Applicant further submits that claims 19-

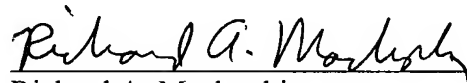
24 and 26 are allowable for at least the reason that the claims are dependent on an allowable claim.

3. **Conclusion**

Applicant submits that the present application is in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, the Examiner is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

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Richard A. Machonkin  
Reg. No. 41,962